

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 4961 of 2001

Between:

Vatsavi Ammaji W/o.Venkata Simhadri Appalaraju,
Gudimoola Village, Sakinetipalli Mandalam,
East Godavari District.

..... PETITIONER

AND

- 1 Collector, Kakinada.
- 2 Mandal Revenue Officer, Sakinetipalli.
- 3 Revenue Divisional Officer, Amalapuram.
- 4 Environmental Engineer, A.P.Pollution Control Board,
Innispeta, Rajahmundry.
- 5 Rameswarapu Subhadramma W/o.Bapiraju,
Gudimoola Village, Sakinetipalli mandal,
E.G.District.
- 6 Gubbala Simhachalam S/o.Jagannadhan,
Gudimoola Village, Sakinetipalli, E.G. District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue WRIT OF MANDAMUS or any other appropriate WRIT, ORDER OR DIRECTION, directing the respondents to stop the prawn cultivation, abutting the petitioner's lands and grown by the respondents 5 & 6 herein in Gudimoola Village, Sakinetipalli Mandalam, East Godavari District.

Counsel for the Petitioner: MR.M.LAKSHMANA SARMA

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for respondent No.4: Mr.S.V.Bhatt

Counsel for respondent Nos.5 and 6: None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

After Rule was issued, no counter affidavit has been filed by the respondents in this writ petition, which was instituted on 13-1-2001.

The grievance of the petitioner is against respondents 5 and 6, who are alleged to have started prawn culture in their fields, which is causing damage to the petitioner's adjoining property. Petitioner's lands are situate in Gudimoola village, Sakinetipalli Mandal, East Godavari District. As a matter of fact, in such like petition, the only direction which can be issued would be to direct respondents 1 to 3 to ensure that no prawn or acqua culture is permitted to be taken place whether it be by respondents 5 and 6 or by anybody else without due permission having been obtained before undertaking acqua culture. In case it is noticed that respondents 5 and 6 have not obtained any consent from the competent authority, respondents 1 to 3 will take immediate action to ensure that acqua culture is stopped and appropriate action is taken against the offending party. In case permission has already been obtained and the petitioner feels aggrieved, it will be for the petitioner to seek appropriate relief for redressal of her grievance claiming damages from respondents 5 and 6 by taking out appropriate proceedings in accordance with law in a civil court.

Respondents 1 to 3 to ensure due compliance with the orders of this court within two months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

DEVINDER GUPTA, CJ

22-7-2004 _____

C.V.RAMULU, J

Tvr

To

1. District Collector, Kakinada.
2. The Mandal Revenue Officer, Sakinetipalli.
3. The Revenue Divisional Officer, Amalapuram.
4. The Environmental Engineer, A.P.Pollution Control Board, Innispeta, Rajahmundry.
5. 2 CCs to the Government pleader for Revenue, A.P. High Court buildings, Hyderabad (OUT).
6. 2 CD copies.